Pam- Afrika-South-South Africa
Union of

Native Land Act, 1913, Amendment Bill, 1927.

Representation of Natives in Parliament Bill.

Union Native Council Bill.

Coloured Persons Rights Bill, 1927

Price 3d.

LOVEDALE INSTITUTION PRESS.

NATIVE LAND ACT, 1913, AMENDMENT BILL, 1927.

The following is the text of the Bill to amend the Natives Land Act 1913 which was laid on the table of the House of Assembly by the Prime Minister on Wednesday, 2nd June.

(*To be introduced by the* MINISTER OF NATIVE AFFAIRS.)

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, (both Houses of Parliament sitting together in accordance with the provisions of Sections *thirty-five* and *one hundred and fifty-two,* of the South Africa Act, 1909) as 5 follows:—

CHAPTER I.

ACQUISITION OF LAND BY NATIVES OUTSIDE THE SCHEDULED NATIVE AREAS.

Removal of restrictions on acquisition by natives of land in certain areas.

1. (1) As from the commencement of this Act the restrictions imposed by paragraph (*a*) of subsection (1) of section *one* of Natives Lands Act 1913 (Act No. 27 of 1913, hereinafter referred to as the principal Act) on a native entering into an agreement or transaction described in that paragraph shall, in regard to land within an Area described in the first column of the First Schedule to this Act, cease to exist in regard to natives of the class or tribe specified in the second column of that Schedule opposite to the name of that area.

(2) Such an area shall be known as, and is in this Act referred to as, a released area.

(3) Notwithstanding anything in this section contained, no association or aggregation of natives, other than a recognized tribe, shall acquire land in a released area except under conditions prescribed by regulation. Any agreement or transaction in contravention of this sub-section shall be null and void *ab initio*.

(4) A recognized tribe means a tribe or any portion thereof which the Governor-General-in-Council may, from time to time, declare under the Natives' Administration Act 1926, to be a recognized tribe.

Provisions as to fencing in released areas.

2. Whenever a native acquires land in released areas from a person other than a native, the agreement or transaction, the restrictions in respect whereof have ceased to exist by virtue of the last preceding section, shall be deemed to be entered into subject to the conditions and provisions as to fencing set out in Part I of the Second Schedule to this Act, according to the circumstances set out in that Part of that Schedule; and the like conditions and the provisions shall apply to any successor in title of such native whether he is a native or a person other than a native.

Release of further land from restrictions imposed by section **one** *(1)* **(a)** *of Act No. 27 of 1913.*

3. (1) Whenever the Minister is satisfied that, the reasonable requirements of any natives in respect of the acquisition of land cannot be met owing to the inability of such natives to acquire on reasonable terms land not held by natives within a

scheduled native area or a released area, the Governor-General, if authorised by resolution of both Houses of Parliament, may, by proclamation in the *Gazette*, define any land which—

(a) is situate outside a scheduled native area or outside a released area ; and

(b) adjoins land which is held by a native or natives and which is situated within a scheduled native area or within a released area.

as being land in respect of which the restrictions imposed by paragraph (*a*) of sub-section (1) of section *one* of the principal Act shall, from the date specified in the proclamation, be suspended.

(2) Any land so proclaimed shall, so long and in so far it is not subject of proclamation under sub-section (3) of this section or section *five* restoring the said restrictions, be regarded for all purposes to be land within a released area.

(3) The Governor-General may, at any time by proclamation in the *Gazette*, rescind any proclamation issued under sub-section (1) of this section in so far as it relates to any land which has not passed into the ownership of a native or natives and thereupon the said restrictions formerly imposed shall be restored.

Further provisions as to the acquisition by natives of other land outside the scheduled native areas and the released areas, but adjoining thereto.

4. (1) Without derogation from the provisions of the last preceding section a native of the class or tribe for which a released area has been constituted may, with the approval of the Governor-General, and subject to the conditions which he may impose, acquire land which, being outside a scheduled

native area and outside a released area, adjoins land in one or other of such areas:

Provided that—

(a) such approval shall not be given if the natives of the class or tribe to which such native belongs already hold under this Act land equal to or greater in extent than that of the released area constituted for their benefit under this Act;

(b) when the land so held adjoins land held by a person or persons other than a native or natives, the agreement or transaction in relation to the acquisition shall be deemed to be subject to the conditions and provisions referred to in section *two* of this Act and set out in Part I of the Second Schedule thereto according to the circumstances set out in that part of that Schedule; and the like conditions and provisions shall apply to any successor in title of such native whether he is a native or a person other than a native.

(2) As long as any land acquired by a native with the approval issued under sub-section (1) of this section is held by a native or by natives, it shall be regarded for all the purposes of this Act as land within a released area, unless or save in so far as it may be declared under this Act by the Governor-General to be within a scheduled native area.

Circumstances in which restrictions may be restored to portions of released areas.

5. Whenever any natives for whose benefit any proclamation was issued under sub-section (1) of section *three* of this Act have, under this Act

acquired land in extent equal to or exceeding that of the released area constituted for their benefit as hereinbefore provided, the Governor-General shall, by further proclamation in the *Gazette*—

(*a*) rescind the proclamation issued under that sub-section, in so far as it applies to any land referred to in that proclamation, if natives have not acquired that land; and

(*b*) declare that the land within the released area referred to in the said sub-section as not held by natives shall, if still not so held, no longer be regarded as being within a released area,

and thereupon restrictions formerly imposed by paragraph (*a*) of sub-section (1) of section *one* of the principal Act in respect of the land referred to in paragraph (*b*) of this section and in respect of the land defined by the proclamation issued under sub-section (1) of section *three* of this Act shall be restored.

Expropriation of land.

6. (1) The Governor-General may for purposes of native land settlement, acquire any land which, being within a scheduled native area or a released area, adjoins other land within a scheduled native area or a released area and held by natives.

(2) In default of agreement with the holders of the land the provisions of the law in force in the Province in which such land is situate relating to the expropriation of land for public purposes shall apply *mutatis mutandis* or if, in any province, there is no such law, the provisions of Proclamation No. 5 of 1902 of the Transvaal and any amendment thereof shall *mutatis mutandis* apply.

(3) Notwithstanding any provision of any law

or agreement under which any person holds any land acquired under subsection (1), the Minister may, by notice in writing, to be served on such person personally wherever practicable, order such person to depart from such land within a period specified in the notice and if such person fails to comply with any such order, a magistrate's court having jurisdiction may, in legal proceedings, make an order for his ejectment and if he fails to comply with such order forthwith, he shall be guilty of an offence against this Act,

Addition to scheduled native areas.

7. The Governor-General, when authorized by resolution of both Houses of Parliament, may, by proclamation in the *Gazette*, declare that any land specified in that proclamation, which has been acquired by or for the benefit of natives under this Act shall be added to any scheduled native area.

Conditions of disposal of Crown land in released areas.

8. Except upon the authority of a resolution of both Houses of Parliament, no Crown land within a released area and adjoining a scheduled native area shall, after the commencement of this Act—

(*a*) be granted in freehold title to a person other than a native; or

(*b*) be leased to a person other than a native, if the period of the lease or of any right of renewal thereof exceeds one year; or

(*c*) be leased for any period whatever to a person other than a native, unless the Minister finds that no native is willing to acquire such land on

terms which the Minister deems to be reasonable.

Grant of Crown land to natives in exchange for land owned or occupied by them.

9. (1) Whenever any natives hold land which is either within or outside a scheduled native area or a released area and the recognized chief or other representative of such natives, acting with the consent of a majority of any council of such natives or of a majority of such natives, is desirous of exchanging such land for any Crown land within a scheduled native area or within a released area or which under any provision of this Act may be included within such an area, the Governor-General may authorize the exchange of such Crown land for the land owned and occupied by such natives; and the Governor-General may, under such conditions as he may think fit, make a grant to such natives of such Crown land.

(2) If any land so granted in exchange is not already within a scheduled native area or a released area the Governor General shall, by proclamation in the *Gazette*, declare it to be or to be included within a scheduled native area or a released area.

(3) In computing for any purpose of this Act the extent of land acquired by or for the benefit of natives or any class or tribe of natives, any land granted in exchange as aforesaid shall not be taken into account, if that land was, at the date of the grant within a scheduled native area or within a released area.

Requirement by Minister to native owner, etc., to fence in certain cases.

10. (1) In the circumstances described in Part II of the Second Schedule to this Act and subject

to the provisions of that Part of that Schedule the Minister may require any native who holds land which (whether or not within a scheduled native area or a released area) adjoins land held by a person other than a native, to fence such land or any portion thereof and any provisions of the said Part II of the Second Schedule as to maintenance and repair of such fence may be enforced against the successor in title of such native, if such successor is a native.

(2) The provisions of subsection (1) of this section shall apply where a person other than a native holds land within or adjoining a scheduled native area or a released area.

(3) Any person who fails to comply with the terms of any requirement of the Minister under this section shall be guilty of an offence against this Act.

Special provisions as to prospecting or mining in scheduled native areas and released areas.

11. The following provisions shall apply in respect of minerals on or under land in a scheduled native area or on or under land in a released area, held by a native or natives, anything to the contrary notwithstanding in any law:—

(a) No person (unless he be the holder thereof) shall prospect for minerals on such land without the written permission of the Minister. For such permission such fee shall be payable as is prescribed by regulations made under this Act.

(b) When any proclamation is issued in respect of land conferring any rights in respect of mining or minerals, the Minister may make

such conditions restricting such rights as appear to him to be necessary or desirable for preserving the continued or future use by natives of the surface of such land.

(*c*) Two thirds of any moneys payable by law and accruing to the Government in respect of any licence or permit conferring any right to prospect or mine on any such land, shall be paid over by the Treasury to the Natives Land Purchase and Advances Fund established under this Chapter.

Establishment of natives land purchase and advances fund.

12. (1) There shall be established a fund to be known as the Natives Land Purchase and advances Fund into which shall be paid—

(*a*) any sums derived under any mineral law from licences for claims or stands on Crown land which, being within a scheduled native area or released area, is held by natives;

(*b*) any sums paid by persons other than natives as quitrents in respect of land held in a scheduled native area;

(*c*) the moneys paid over by the Treasury under the last preceding section;

(*d*) the licence fees paid in respect of squatters licensed under Chapter II of this Act;

(*e*) any fines imposed for a contravention of the principal Act or this Act;

(*f*) such moneys as Parliament may specially appropriate to the said Fund.

(2) The said fund shall be under the control of the Minister who, subject to the directions of Parliament or of the Governor-General, shall apply

the moneys of the fund to the acquisition of land for disposal or lease to natives, to advance to natives for purposes of fencing under this Act and under the provisions of the Second Schedule thereto or to purposes of such fencing as the Minister may require to be made thereunder, and also to the advancement and agricultural and pastoral interests of natives in scheduled native areas and in released areas.

Restrictions as to residence in scheduled native areas of persons other than natives.

13. (1) Except when permitted by regulations made under subsection (2) of this section, no person other than a native shall reside or be, or carry on any profession, business, trade or calling, upon land held by a native or natives in any scheduled native area. Any person acting in contravention of this subsection shall be guilty of an offence against this Act and shall also be liable to be removed from the scheduled area by a member of the police under warrant issued by any Magistrate or Justice of the Peace: Provided that no person who at the commencement of this Act, is lawfully residing or carrying on a profession, business, trade or calling upon such land, nor the successor or assignee of such person, shall be deemed to be prohibited from or restricted in continuing his residence or calling by reason merely of the provisions of this section.

(2) The Governor-General may make regulations providing for the grant or withdrawal of permits to persons other than natives, to travel, reside or to carry on any profession, business, trade or calling in any scheduled native area, the periods during

which such permits shall be in force and the conditions thereof. Any contravention of any such regulation or of the conditions thereunder of any such permit shall be an offence against this Act.

Prohibition against acquisition in released areas of isolated land.

14. Except with the approval of the Governor-General—

(*a*) no person other than a native shall acquire in a released area land which is wholly surrounded by land held by a native or natives, whether the last-mentioned land is held individually or in communal tenure; and

(*b*) no native shall acquire in a released area land which is wholly surrounded by land held by persons other than natives.

In giving his approval under this section the Governor-General may impose such conditions as to fencing and other matters incidental to the occupation of land as he may deem fit. Any contravention of any such conditions shall be an offence against this Act.

CHAPTER II.

RESIDENCE OF NATIVES ON LAND IN CERTAIN AREAS

Application of Chapter II.

15. (1) The provisions of this Chapter shall not apply in respect of any land within a scheduled native area or land within a released area: Provided that the Governor-General may, by proclamation in the *Gazette*, apply any provision of this Chapter in respect of any land within a released area if a person other than a native is the proprietor thereof,

and the Governor-General shall, upon receipt of a memorial signed by one-half of the proprietors, other than natives, of land in any district, requesting the application of any provision of this Chapter to that district, so apply that provision thereto.

(2) The Governor-General may, from time to time by proclamation in the *Gazette*, fix a date for the operation of the provisions of this Chapter in respect of any land or district to which under sub-section (1) those provisions are applicable or may be applied. Such land or district is hereinafter referred to as a proclaimed area and a date so fixed in respect of any proclaimed area is hereinafter referred to as "the fixed date."

Prohibition against occupation of land by natives in proclaimed areas except under certain circumstances.

16. (1) After the fixed date a native shall not, save as is excepted in this section, reside upon land in a proclaimed area unless—

(*a*) he is the registered owner of such land; or

(*b*) he is a servant as hereinafter defined; or

(*c*) he is licensed as a labour tenant under this Chapter; or

(*d*) he is licensed as a squatter under this Chapter; or

(*e*) is otherwise exempted from the prohibitions contained in this Chapter.

(2) The putative wife or the child of any such registered owner, or of any such servant, of any such licensed labour tenant or of any such licensed squatter or any member of his family actually dependent upon him for support shall not fall within the prohibitions of sub-section (1).

(3) Any native who is lawfully occupying or residing on Crownland within a proclaimed area and who is not a lessee or otherwise authorized to be thereon shall be deemed to be a squatter on such Crown land and shall be liable to take out the annual licence under this Chapter and the Third Schedule to this Act in respect of a squatter.

(4) Any native who acts in contravention of any prohibition or any provision of this Act and any proprietor who permits such a contravention shall be guilty of an offence.

Licence for the employment by proprietors of labour tenants.

17. A licence for the employment by a proprietor of a native as a labour tenant may be issued in manner and subject to the conditions following, that is to say:—

(*a*) Written application shall be made by the proprietor to the magistrate of the district in which is situate the land on which the native is to be so employed;

(*b*) the magistrate shall submit the application—

(i) where such land is situate within an area for which a divisional council exists, to that council: or

(ii) where such land is situate in a district not comprised in a divisional council area, to a board appointed by the Minister for considering all such applications in that district and consisting of the magistrate and two other members.

Such divisional council or board (as the case may be), after hearing and recording any objections of any proprietor of land lodged with the magistrate

in the form and within the period prescribed by regulation, may grant or refuse the application, but its decision shall be subject to review by the Minister who may affirm, set aside or vary the decision.

(*c*) If the application is granted, with or without variation by the Minister, a licence in the form prescribed by regulation shall be issued by the magistrate.

(*d*) In any case in which a licence fee is payable, the licence, whenever issued, shall expire on the thirtieth day of June next succeeding but shall, on payment of the licence fee, be renewed by the magistrate for a period of one year unless objection has been lodged with him by a proprietor or occupier in the form and within the time prescribed by regulation by any proprietor. Such objection shall be heard by the divisional council or board aforesaid (as the case may be) and it shall grant or refuse the renewal as in the case of a new application for a licence, subject to such review by the Minister as aforesaid.

(*e*) There shall be paid on the grant or renewal of any such licence the fees indicated in the Third Schedule to this Act. Such fees shall be denoted by revenue stamps attached to the licence and duly cancelled, and no such licence shall be valid unless the fees are so denoted and the stamps thereon stamped.

(*f*) In any case in which no licence fee is payable, the licence shall be valid until such time as the licence is cancelled upon objection made as in paragraph (*d*) is provided.

(*g*) Whenever the divisional council or board aforesaid (as the case may be) decides that in any particular case there no longer exists any valid reason for continuing an existing licence or that the number of such licences granted by it appears to be excessive, such council or board (as the case may be) shall hold an enquiry and proceed and determine as to the renewal of any such licence, as if objection had been made thereto as hereinbefore provided.

Application of Masters and Servants Laws to proprietors and labour tenants.

18. The provisions of the law in force in a province, relating to masters and servants in any province shall apply *mutatis mutandis* to proprietors and labour tenants under a licence granted in that province, as if the proprietor were the master and the labour tenant the servant; and whenever, under a written contract lawfully entered into between a proprietor and a labour tenant, a dependent of a labour tenant is to reside on the proprietor's land and work thereon, or be in domestic service, for the proprietor, such dependent shall also, for purposes of the said law relating to masters and servants, be deemed to be a servant.

Licence for squatters.

19. A licence authorising a native lawfully residing as a squatter on the land of a proprietor, immediately prior to the fixed date, to continue to reside thereon as a squatter may be issued and renewed in manner provided in section *seventeen* for licences for the employment of labour tenants; and the provisions of that section shall *mutatis mutandis* apply in respect of licences for squatters:

Provided that application for the issue of a licence for a squatter shall be made not later than three months after the fixed date.

Special permission to aged or infirm natives to reside upon land.

20. The Minister may, with the consent of the proprietor, cause a written permission to be issued on the Minister's behalf authorising any male native who is aged, chronically infirm or destitute, or any female native whatsoever, to reside upon land to which this Chapter applies, notwithstanding that such native is not otherwise exempted from any prohibition contained in this Chapter. The Minister may at any time withdraw any such permission and thereupon the prohibitions of this Chapter shall apply to any such native.

Returns to be made to magistrate by proprietor.

21. At any time after the fixed date and as often as he may from time to time deem necessary the magistrate may require any proprietor to transmit to him within a period specified and in a form prescribed by regulation a return showing—

(*a*) the number and the names of all natives residing on such proprietor's land; and

(*b*) the licence or permission under which or any other terms and conditions on which each such native so resides.

A proprietor who fails to transmit such a return within the prescribed period or who transmits it with incomplete or incorrect particulars or makes therein any false statement shall be guilty of an offence.

Interpretation of terms for purposes of this Chapter.

22. In this Chapter—

"dependent" means any person between the ages of twelve and eighteen years of age, if resident with and dependent upon a labour tenant;

"proprietor" in relation to land, means a person—

(*a*) who is registered as the owner thereof, whether as sole owner or as owner of an individual share thereof, provided no such person as is described in paragraph (*b*) of this definition is in actual occupation of the land; or

(*b*) who is the lessee thereof or holds the land under licence, certificate of allotment or other form or title conferring a right of occupation; and in the case of land registered in the name of a corporate body, shall include the representative of such body on or in relation to the land whether or not he is in actual occupation thereof: provided no such person as is described in this paragraph of this definition is in actual occupation.

"servant" means, in relation to land or the proprietor thereof, any native *bona fide* and continuously employed by the propretor, under contract in domestic service or in or about farming operations, or in any industry, trade, business or handicraft carried on by the proprietor on that land;

"squatter" means, in relation to land or the proprietor thereof, a native male of, or over or of the apparent age of eighteen years and lawfully residing at the fixed date on that land, if such native is neither a servant nor a labour tenant as herein defined;

"labour tenant" means in relation to land or the proprietor thereof, a native male adult (other than a servant) the services of whom or of whose family are actually and *bona fide* necessary to the proprietor for the better working of land or for domestic services thereon or in or about farming operations, or in any industry, trade, business or handicraft carried on by the proprietor on that land who is obliged to serve the proprietor on such land for at least one hundred and eighty days in any one calendar year in terms of a contract which, if it requires services to be rendered for a total period in excess of one hundred and eighty days, has been entered into in writing in the presence of a native commissioner or native subcommissioner, but does not include any native male adult who, in respect of his occupation of the land of the proprietor, gives any consideration other than the services aforesaid.

CHAPTER III.

GENERAL AND MISCELLANEOUS.

Evidence in criminal proceedings.

23. (1) In any criminal proceedings under this Act in which it is an issue whether a native was or was not a servant or a labour tenant or a squatter or is the subject of an exemption from any prohibition contained in this Act, the burden of proving that such native was or (as the case may be) was not a servant or labour tenant or a squatter or the subject of exemption shall be upon the accused.

(2) In any criminal proceedings under this Act

against any person accused of doing or permitting anything in respect of which a licence or permission is thereby required and it is alleged that no such licence or permission exists, it shall be upon the accused to prove that such licence or permission exists: but a licence or permit in the prescribed form purporting to be issued under this Act or any duly authenticated copy or duplicate thereof shall be *prima facie* evidence of the facts stated therein.

(3) In any criminal proceedings under this Act or the principal Act in which it is an issue whether the approval of the Governor-General has been given to any transaction a certificate on the prescribed form purporting to be signed by the Secretary for Native Affairs and stating that such approval has been given shall be *prima facie* evidence of that fact.

Penalties.

24. Any person who is convicted of an offence against this Act or the regulations made thereunder shall be liable to the penalties mentioned in section *five* of the principal Act and, in the case of a continuing offence, to the further fine as provided in that section.

Regulations.

25. (1) The Governor-General may, by proclamation in the *Gazette*, make regulations not inconsistent with this Act—

(*a*) prescribing the forms of application, licence, permission, certificate, register or any other form whatsoever or the authentication of any copy or duplicate thereof, for use in the carrying out of this Act;

(*b*) prescribing the particulars or information to

be furnished with any such application or to be inserted in any such licence, permission, certificate or register;

(*c*) prescribing conditions upon which associations or aggregations of natives may be authorized to acquire land or any interest in land in released areas and as to the manner in which any such acquisition shall be registered;

(*d*) prescribing the conditions on which advances may be made to or on behalf of natives from the Natives Land Purchase and Advances Fund established under this Act or otherwise, for the purchase, improvement, development or fencing of land or the redemption of mortgage thereon;

(*e*) prescribing the circumstances in which and the conditions on which grants of freehold title to Crown land in released areas may be made to natives, or leased either to natives or persons other than natives,

and generally for the better carrying out of the objects and purposes of this Act, the generality of this provision not being restricted by any particular paragraph of this sub-section.

(2) Such regulations may prescribe penalties for any contravention thereof or default in complying therewith, not exceeding the penalties mentioned in section *five* of the principal Act and in accordance with the circumstances described therein.

(3) The provisions of sub-section (2) of this section shall apply in respect of regulations made under section *nine* of the principal Act.

Alteration of Second Schedule.

26. (1) The Governor-General may, by proclama-

tion in the *Gazette*, from time to time rescind, alter, modify or add to the second column of the First Schedule to this Act in regard to classes or tribes of natives and any particular released area.

(2) The Governor-General may, also, by like proclamation from time to time rescind, alter or modify any provision of the Second Schedule to this Act in regard to fencing.

(3) Every proclamation issued under this section shall be laid before both Houses of Parliament as soon as possible thereafter and shall be rescinded if both such Houses so resolve; but such rescission shall not derogate from anything done under the proclamation.

Interpretation of terms.

27. In this Act, unless inconsistent with the context, the terms—

"acquire" in relation to land, means acquire by purchase, exchange, donation or lease; and "acquisition" has a corresponding meaning;

"hold" in relation to land, and in addition to own, means "hold under lease or by any lawful occupation of land"; and "hold" and "holder" have corresponding meanings;

"land" includes, in addition to rights held under a lease of or servitude over or rights in respect of land, the interest which the holder of a mortgage bond or a person having a charge over land, acquires under such bond or charge;

"Minister" means the Minister of Native Affairs or, in his absence, any other Minister of State lawfully acting as such;

"native" has the meaning assigned to that expression in the Representation of Natives in

Parliament Act, 1927; includes females if relatives of such natives; and includes also a company or corporate body in which a native has an interest;

"person other than a native" includes any company or body of persons corporate or unincorporate unless a native has or natives have an interest in such company or body;

"interest" in relation to the definitions of "native" and person other than native include the holding of a debenture in a company or a mortgage bond over land;

"regulation" means a regulation made and in force under this Act:

"scheduled native area" means any area described in the First Schedule to the Natives Land Act, 1913.

Repeal of laws.

28. (1) The provisions of the principal Act indicated in the first column of Part I. of the Fourth Schedule to this Act are hereby amended to the extent indicated in the second column of that part.

(2) The laws mention in Part II. of that Schedule are hereby repealed to the extent indicated in the fourth column of that Part.

Short title and commencement of Act.

29. This Act may be cited for all purposes as the Natives Land Act, 1913, Amendment Act, 1927, shall be read as one with the principal Act and shall commence and come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette:* Provided that no such date shall be fixed unless or until the Representation of Natives

in Parliament Act, 1927, the Coloured Persons Rights Act, 1927, and the Union Native Councils Act, 1927, have been or are about to be brought into operation by proclamation issued under those Acts.

REPRESENTATION OF NATIVES IN PARLIAMENT BILL.

Repeal of sub-section (2) of section thirty-five *and modification of sections* thirty-three, thirty-four *and* thirty-five *of the South Africa Act 1909.*

To alter sub-section (2) of section *thirty-five* of the South Africa Act, 1909; to make special and uniform provision for the representation of the native inhabitants for the Union in the House of Assembly; and to alter certain other provisions of the South Africa Act, 1909, and the laws governing voters' rolls and parliamentary elections, with a view to effect such representation.

1. (1) Sub-section (2) of section *thirty-five* of the South Africa Act, 1909, is hereby repealed in so far as it imposes or may impose restrictions on the removal from any register or voters roll of any native (as in this Act defined) by reason only of a disqualification based on race or colour.

(2) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in sections *thirty-three*, *thirty-four* and *thirty-five* of the South Africa Act, 1909, and the provisions of those sections shall be deemed to be added to and modified to the extent indicated in this Act.

Election of seven members to represent natives according to electoral areas defined under this Act.

2. (1) As from the next general election of members of the House of Assembly there shall be elected *seven members* in accordance with this Act and the regulations made thereunder to represent the natives of the Union. Of those seven members two shall be elected from the Province of the Cape of Good Hope, two from the Province of Natal, two from the Province of Transvaal and one from the Province of the Orange Free State. Each

member so to be elected shall be chosen in and for a native electoral area delimited under this Act and the regulations made thereunder.

(2) Each province shall be divided into as many native electoral areas as there are members to be elected for that province under this Act, and each such electoral area shall consist of an equal number of native constituencies as constituted under section *three* of the Union Native Council Act, 1926. Each native constituency shall be coterminous with the constituencies in which each province is divided under such section *three* and the regulations made under that Act.

Manner of election of members.

3. (1) In respect of each native electoral area into which the Union has been divided as aforesaid, the Governor-General-in-Council shall, by proclamation in the *Gazette*, fix a date and places for nomination of persons for election.

(2) On the date and at the places so fixed, the electors designated in terms of sub-section *(c)* and *(d)* of section *three* of the Union Native Councils Act, 1927, by the Governor-General for the constituencies constituting any native electoral area shall at a meeting of such electors called for the purpose nominate for election in that native electoral area of that Province not more than three persons qualified as hereinafter provided.

(3) If the names of more than three persons are submitted to such meeting a ballot or a show of hands shall take place and the three candidates selected at that meeting shall be regarded as duly nominated.

(4) If the name of only one person is submitted to the meeting, he shall be regarded as duly nominated and shall be declared elected as member for the native electoral area.

(5) If more than one person is so duly nominated, an election shall be held on a date to be fixed by the Governor-General-in-Council by proclamation in the *Gazette*.

(6) The election so to be held shall take place in manner prescribed by paragraphs (*c*) and (*d*) of sub-section (2) of section *three* of the Union Native Council's Bill, 1926, and the regulations made under that Act for election of members of the Union Native Council.

Members elected to represent native electoral areas to be in addition to members provided for under South Africa Act.

4. The seven members thus elected under the last preceding section to represent severally the said seven native electoral areas shall be in addition to the members the number whereof is provided for in section *thirty-four* of the South African Act, 1909, and who represent electoral divisions delimited in accordance with sections *thirty-nine* to *forty-three* inclusive of that Act.

Qualifications, etc., of members for Native electoral areas.

5. The qualifications of a person for election as a member of the House of Assembly to represent a native electoral area shall be as set out in section *forty-three* of the South Africa Act 1909, and the provisions of sections *fifty-two* and *fifty-three* thereof shall apply in respect of disqualifications for his being chosen or sitting as such a member.

Rights, privileges, etc., of members for native electoral areas.

6. Save as is otherwise specially provided in this Act, every member of the House of Assembly elected to represent a native electoral area shall have all the rights, powers, privileges and immunities, and shall be subject to the duties and obligations which by law other members of the House of Assembly possess or are subject to: Provided that—

(*a*) a member so elected shall be incapable of sitting, speaking or voting in the House of Assembly or in any committee thereof whenever the matter for discussion or determination is whether there shall be an increase of the number of native electoral areas or members to be elected thereof, or whether any alterations shall be made in the qualifications or disqualifica-

tions of voters for such areas, or whether this section or any other provision of this Act be repealed, altered or amended;

(*b*) a member so elected shall be incapable of voting in the House of Assembly or in any committee thereof on a motion of no-confidence or on a matter in respect of which the Prime Minister or, in his absence, the Senior Minister of State present in that House, upon a division being called states that the result of the voting of all the members of the House of Assembly taking part in the decision thereon will be regarded by ministers as one of confidence or no-confidence in the Government. The provisions of this proviso, however, shall not apply in respect of any Bill introduced, or clause thereof, or vote or resolution proposed or moved by a Minister of State in connection with any of the matters specified in the Schedule to this Act.

Disqualification of natives for registration as voters except in native electoral areas.

7. (1) Anything to the contrary notwithstanding in any law providing for the qualifications necessary to entitle persons to vote at elections of members of the House of Assembly, or of a provincial council, no native as hereinafter in this Act defined, shall, after a date fixed by the Governor-General by proclamation in the *Gazette*, be qualified to be registered as a voter or to vote at any such election except as is specially provided in this Act in regard to elections of members representing natives electoral areas.

(2) If, by inadvertence, the name of any native has not been erased from a voters' roll as in the Coloured Persons Rights Act, 1927, defined in accordance with the provisions thereof the fact that his name still appears on such a roll shall not entitle him, after the date so fixed, to vote at an election for any electoral division, anything to

the contrary notwithstanding contained in the Electoral Act, 1918, or any amendment thereof.

Saving as to provincial councils and election of members thereon.

8. Save as is provided in the last preceding section, nothing in this Act contained shall be construed as altering any provision of section *Seventy or Seventy-one* of the South Africa Act, 1909, and, save as so provided, every provincial council shall be constituted and the members thereof elected as if this Act had not been passed.

Interpretation of terms.

9. In this Act the expression "native" means—

(*a*) any member of an aboriginal race or tribe of Africa;

(*b*) any person whose father or mother is or was a member of such a race or tribe unless under any proviso to the definition of "native" in the Coloured Persons Rights Act, 1927, such person has been found on enquiry, or declared by Parliament, to be a coloured person for the purpose of that Act.

Regulations.

10. The Governor-General, in Council, may make Regulations, not inconsistent with this Act, as to all or any of the following matters:—

(*a*) The division of the several provinces of the Union into native electoral areas and of the native electoral areas into native constituencies for the nomination and election of members of the House of Assembly under this Act;

(*b*) the meetings of the electors for any electoral area for nomination of persons for election to the House of Assembly under this Act; the procedure at such meetings;

(*c*) the place and manner of holding elections when persons have been so nominated;

and generally for better carrying out any of the objects and purposes of this Act, the generality of this provision not being limited by the specific provisions of any particular paragraph of this section.

Short title and commencement of Act.

11. This Act may be cited as The Representation of Natives in Parliament Act, 1927, and shall commence and come into operation on a date to be fixed by proclamation of the Governor-General in the *Gazette*; Provided that no such date shall be fixed unless or until the Natives Land Amendment Act, 1927, the Coloured Persons Rights Act, 1927, and the Union Native Council's Act, 1927, have been or are about to be brought into operation by proclamations issued under those Acts.

SCHEDULE.

SUBJECTS REFERRED TO IN PROVISO *(b)* OF SECTION *six* IN RESPECT OF WHICH MEMBERS ELECTED UNDER THIS ACT MAY VOTE NOTWITHSTANDING THE MATTER IS ONE OF CONFIDENCE OR NO CONFIDENCE IN THE GOVERNMENT.

1. Any taxation to be imposed only upon natives.

2. The education of natives.

3. Local Government of and by natives.

4. Marriages of Natives, testamentary dispositions and inheritance *ab in testato* of natives and the administration of estates of Natives.

5. Any provisions to be specially inserted into contracts with natives either individually or through their chiefs.

6. Native locations and natives reserves.

7. Title to immovable property held by natives.

8. Native townships and native settlements.

9. The sale or supply of intoxicating liquor to, or possession of such liquor by, natives.

10. Any bill or clause thereof the terms whereof state that it is intended to apply exclusively to areas in which natives only or mainly reside.

11. Any bill or clause thereof or any resolution proposed which tends to discriminate against natives, in favour of

persons other than natives, if the discrimination is based solely on race or colour.

12. Any bill or a clause thereof the terms whereof would repeal, alter or modify such statutes as Parliament may by resolution declare to be included in this Schedule.

UNION NATIVE COUNCIL BILL.

To provide for the constitution of a council of native delegates, representative of the whole Union; for annual meetings of such a council; and to declare its functions and powers.

Constitution of Union Native Council.

1. (1) The Governor-General shall, convene once at least in every calendar year a special conference of natives at such times that not more than eighteen months shall elapse between the conclusion of one such conference and the commencement of the next conference.

(2) Such a conference shall, when summoned, be described as the Union Native Council and shall consist of fifty native delegates elected or nominated as hereinafter provided. The native delegates so elected or nominated are hereinafter referred to as members.

Meetings of the Union Native Council.

2. (1) The Union Native Council (hereinafter referred to as the Council) shall meet at Pretoria. The Secretary for Native Affairs or an officer of the Native Affairs Department designated by the Minister of Native Affairs shall preside at meetings of the Council and he, and every member of the Native Affairs Commission shall have the right to take part in the debates of the Council but not to vote therein. Any Minister of State may address any meeting of the Council, and any Government official may, with the permission of the officer designated to preside, also address any such meeting.

(2) The officer designated to preside over meetings of the Council shall have the power to make and alter rules for the procedure to be observed thereat, the conduct of business and the behaviour of members present at any meeting and he shall have full discretion to adjourn or close any meeting of the Council. Such rules may impose

penalties not exceeding a fine of five pounds for any breach thereof and when approved by the Governor-General-in-Council and published in the *Gazette* shall have the force of law.

(3) The presence of at least twenty-five members of the Council shall be necessary to constitute a meeting of the Council.

(4) All questions in the Council shall be determined by a majority of votes of members present.

Constitution and mode of election and nominations of the Council.

3. (1) The Council shall be constituted as follows and its members shall be elected or nominated in accordance with the provisions of this section and the regulations made under this act.

(2) In regard to elected members—

(a) there shall be elected in manner hereinafter in this section provided from the Province of the *Cape* of *Good Hope, ten* members; from the *Province of Natal, ten* members; from the *Province of Transvaal, ten* members and from the *Province of the Orange Free State, five* members;

(b) for the purpose of the election of any such members, each such Province shall be divided into the necessary constituencies in accordance with regulations made by the Governor-General-in-Council under this Act;

(c) in the case of natives who are living under tribal or communal conditions the election of such members shall be through chiefs or headmen, or a member of the local council under Act No. 23 of 1920, designated by the Governor-General-in-Council according to a quota fixed by the Governor-General-in-Council in manner prescribed by regulation made under this Act;

(d) in the case of natives who are detribalized or are living in urban areas or in urban native locations, the election of such members shall be by representatives likewise designated and according to a quota likewise fixed.

(3) In addition to the members elected as hereinbefore provided, the Governor-General-in-Council shall nominate as members of the Council fifteen natives as follows: For the Province of the Cape of Good Hope, *five* members; for the Province of Natal, *four* members; for the Province of Transvaal, *four* members; for the Province of the Orange Free State, *two* members. A native so nominated for any Province shall be a resident therein.

(4) The members of the Council shall be elected or nominated as aforesaid for a period of *three years*: Provided that in the case of those first elected or nominated there shall retire at the end of the first completed year after the date of the first sitting of the Council seven elected members and three nominated members at the end of the second completed year after such date, fourteen elected members and six nominated members; and at the end of the third completed year fourteen elected members and six nominated members.

The order of retirement shall be determined by the drawing of lots carried in manner prescribed by regulations made under this Act, but such regulations shall provide that a number shall retire at the end of any such completed year representative of any Province proportionate as far as possible to the total number of members elected or nominated for that Province.

At the end of each succeeding first, second and third completed year respectively the number of members retiring and the proportion as regards each Province shall be as herein prescribed.

(5) For the following causes every member of the Council shall *ipso facto* vacate his seat thereon—

(*a*) retirement in accordance with the provisions of sub-section (4);

(*b*) death;

(*c*) resignation of his seat by written notice addressed to the Minister of Native Affairs;

(*d*) failure to attend a meeting of the Council when

summoned, except for good and sufficient reason shown to the satisfaction of the said Minister;

(*e*) conviction of any criminal offence for which the member has been sentenced to imprisonment exceeding one month without the option of a fine unless a free pardon has been granted for the offence or the sentence has been suspended or unless such imprisonment shall have expired at least five years before the date of his election or nomination;

(*f*) becoming of unsound mind and declaration as such by a competent court; or becoming insolvent and not having been rehabilitated.

(6) The seat of a nominated member of the Council shall also be vacated if such member becomes, in the opinion of the Governor-General-in-Counil—

(*a*) incapable, by reason of illness, infirmity or other cause, of effective service on the Council, or

(*b*) unfit by reason of misconduct or other cause, to be a member of the Council.

(7) The provisions of paragraphs (*d*), (*e*) and (*f*) of subsection (5) shall also be disqualifications for election or nomination or re-election or re-nomination as a member of the Council.

(8) Whenever for any case whatever the seat of any member becomes vacant it shall be filled as soon as possible in the manner in which the vacating member was elected or nominated.

(9) Subject to the provisions of this section, every member vacating his seat on the Council shall be eligible for re-election or re-nomination thereto.

Functions and powers of Council.

4. (1) The functions and powers of the Council shall include—

(*a*) the consideration of any matter relating to the economic, industrial or social condition of the native population of the Union or of any part thereof;

(*b*) the consideration of any proposed legislation or existing law which specially affects the Native population of the Union or of any part thereof;

(*c*) the consideration of any specific matter submitted to it by the Governor-General-in-Council or by the Minister of Native Affairs;

(*d*) the passing of resolutions on any such matter.

(2) A copy of any resolution passed by the Council in regard to the matter referred to in sub-section (1) shall, as soon as may be thereafter, be laid by the said Minister on the Tables of both Houses of Parliament.

(3) The Council shall, at the request and on the initiative of the said Minister, have power to pass laws, to be called Ordinances, binding on Natives only, in respect of such matters affecting only Natives in the Union or any part thereof, as Parliament may, by law, specifically authorize; but no such ordinance shall have any force or effect until the Governor-General-in-Council shall have announced, by proclamation in the *Gazette*, that he has assented thereto.

Regulations.

5. The Governor-General-in-Council may make regulations not inconsistent with this Act, on all or any of the following matters:—

(*a*) The division of the several provinces of the Union into constituencies for the election of members of the Council;

(*b*) the quotas to be fixed for the purpose of conducting any such election; the general conduct of such elections, the time and place and the manner of voting thereat and the counting of votes;

(*c*) the retirement in rotation of members of the Council and the holding and drawing of lots for the purpose of determining the order of retirement,

and generally for the better carrying out of the objects and purposes of this Act, the generality of this provision not being limited by the specific provisions of any particular paragraph of this section.

Short title and commencement of Act.

6. This Act may be cited for all purposes as the Union Native Council Act 1927, and shall commence and come into operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*: Provided that no such date shall be fixed unless or until the Natives Land Act, 1913, Amendment Act 1927, the Representation of Natives in Parliament Act 1927, and the Coloured Persons Rights Act 1927, have been or are about to be brought into operation by Proclamations issued under those Acts.

COLOURED PERSONS RIGHTS BILL, 1927.

To repeal section *thirty-five* of the South Africa Act, 1909, so far as it applies in respect of natives and coloured persons (other than Asiatics); to make provision for the framing of lists of coloured persons with a view to their acquiring qualifications to be placed on the voters' rolls in the province in which they reside for parliamentary and provincial council elections; to provide for the erasure of the names of natives from such voters' rolls; and to declare the political rights of coloured persons whose names are on any list so framed.

Repeal of Laws.

1. (1) Section *thirty-five* of the South Africa Act, 1909, is hereby repealed in so far as it imposes or may impose restrictions on the removal from any register or voters' roll, by reason of a disqualification based on race or colour only, of any person either in the province of the Cape of Good Hope or in the province of Natal; but no such repeal shall be construed as taking away in any such province from any person who is an Asiatic any rights to which he is or may become entitled, to be or to remain on any such register or voters' roll.

(2) After a date to be fixed by the Governor-General by proclamation in the *Gazette* (hereinafter referred to as the fixed date)—

(a) no right or claim to be placed upon a voters' roll shall exist in respect of any native as in this Act defined; and

(b) the name of any coloured person (as in this Act defined) shall not be placed upon a voters' roll, save as is specially provided in this Act.

Constitution and personnel of coloured person and native voters revision board.

2. (1) As soon as possible after the commencement of

this Act the Governor-General shall appoint a board, constituted as in this section is provided, to carry out the duties and functions assigned to the board under the next succeeding section. The board shall be called the coloured persons and native voters' revision board.

2. The board shall consist of—

(*a*) a judge of the Supreme Court who shall be president;

(*b*) a magistrate or ex-magistrate or a member of the Native Affairs Commission appointed under Act No. 23 of 1920; and

(*c*) a person resident in the province in respect of which the board is for the time being framing a list of coloured persons under the next succeeding section or, while the board is removing from any voters' roll of the province of the Cape of Good Hope the names and addresses of natives as in the next succeeding section provided, a person resident in that province.

(3) For the purpose of exercising fitly its duties and functions the board shall make enquiries at such place in the Union as it may from time to time think fit and in connection with any such enquiry or for purposes incidental to any exercise of its duties and functions, the board shall have all the powers and jurisdiction mentioned in section *two* of Act No. 28 of 1923 and possessed by the Board of Trade and Industries and that section shall *mutatis mutandis* apply in regard to the board and in regard to any person subpoenaed by it.

(4) The resolutions or opinions of a majority of the Board shall be regarded as the resolutions or opinions of the board.

(5) The board shall complete its duties and functions as in the next succeeding section described within months after its appointment or within such extended period as the Governor-General may prescribe. As soon as those duties and functions have been completed the board shall cease to exist.

Functions and duties of the board.

3. (1) The duties and functions of the board shall be

as soon as possible after its appointment, to—

(*a*) frame in respect of each province a list showing the names, places of residence and the occupations of all male coloured persons resident therein who have, prior to the completion of the list, attained the age of twenty-one years or who will attain the age within three months after the fixed date;

(*b*) erase from any voters' roll for an electoral division in the province of the Cape of Good Hope the name of every native (as herein after defined) on that roll: Provided that if there is upon any such voters' roll the name of any person and it transpires from objection made at the board's enquiry that, though such person may be regarded as a native the board is satisfied that he has been hitherto or recently regarded as a coloured person the board shall not erase his name from the voters' roll, except at his own request;

(*c*) transmit to the Minister of the Interior the lists made under paragraph (*a*) of this sub-section and the voters' rolls mentioned in paragraph (*b*) thereof showing clearly the erasures made on such voters' rolls. Each such erasure shall be initialled by the president of the board and such observations and reasons may be appended to the roll as the board may think fit to make.

(*d*) transmit to the minister of the Interior any report upon its work which the board or any member thereof may desire to make;

(2) The Minister of the Interior shall, from the lists of coloured persons framed by the board in respect of any province, cause to be made district lists comprising the names and addresses of all coloured persons shown on the board's lists to be residing in any particular district. The said Minister shall cause a copy of the district list to be transmitted to the magistrate of that district.

Consideration of applications for future inclusion in lists of coloured persons.

4. (1) Any male coloured person of or over the age of twenty-one years resident in any district whose name is not included in the district list for that district may make written application to the magistrate thereof to have his name added to such list. Copies of all such applications made to him shall be transmitted by every magistrate to the Minister of the Interior.

(2) All such applications made during any calendar year for inclusion in a district list shall be considered as soon as possible after the commencement of the next calendar year by the magistrate of the district and two persons resident therein appointed by the Governor-General. The magistrate and the persons so appointed shall be called the coloured persons district list board. For the purposes of its consideration and determination of such applications, that board shall have all the powers and jurisdiction conferred upon the board by sub-section (3) of section *two* and shall, in regard to every such application, act in accordance with the provisions of paragraphs (*a*), (*c*) and (*d*) of the last preceding section. An appeal from the decision of such district board shall lie at the instance of the applicant to a judge of the provincial or local division of the Supreme Court in chambers having jurisdiction in the district and the decision thereon of such judge shall be final and without further appeal, provided that no appeal shall lie from the finding of the board that the applicant is a native and not a coloured person.

(3) It shall further be the duty of such magistrate from time to time to erase from any district list the name of any coloured person thereon whom such magistrate knows to be dead or to have ceased to reside in the district.

Enfranchisement of coloured persons.

5. (1) Every coloured person resident in the Union outside of the Cape Province whose name is for the time being upon any district list or who has under this Act

been declared by Parliament to be a coloured person shall, if he is not subject to any disqualification prescribed by any electoral law for all persons, be entitled to be enrolled as a voter for the election to the House of Assembly of the member referred to in the next succeeding section: Provided that—

(*a*) he is able to read the form of claim for registration and without assistance from any other person, to write thereon his name, age, occupation and address and sign his name to the form: and provided also that he possesses the property, occupational, wages or income qualification (if any) prescribed by the electoral law of the province concerned;

(*b*) such coloured person follows in his ordinary or daily mode of life the habits of a coloured person or of an European, associates generally with coloured persons or Europeans and has a standard of life conformable to that of European civilization;

(*c*) no such coloured person who is already enrolled as such a voter in any province shall by reason only of that fact be entitled to be enrolled as such as voter in any other province when he moves his residence thereto.

(2) After the fixed date no coloured person shall be enrolled as a voter in any province for parliamentary or provincial council elections unless he is qualified as described in subsection (1) to be enrolled as a voter for that province and if after that date the name of any coloured person who is not so qualified and whose name is not on the last previous voters' roll is placed upon any voters' roll, it shall be removed therefrom at any revision of voters' rolls which takes place under any of the electoral laws.

Member of House of Assembly to represent coloured voters outside Cape Province.

6. As from the next general election of members of the House of Assembly after the fixed date there shall be

elected a member of that House to represent the coloured voters in the Union outside the Province of the Cape of Good Hope. For the purpose of such election the Minister of the Interior shall cause to be compiled a voter's roll of all coloured persons in the Union outside the Province of the Cape of Good Hope who, in terms of section *five* are entitled to be enrolled as voters.

Such member to be additional to members elected under other laws.

7. The member referred to in section *six* shall be in addition to the members elected in terms of section *four* of the Representation of Natives in Parliament Act, 1926, and to the members the number whereof is provided in section *thirty-four* of the South Africa Act, 1909, who represent electoral divisions delimited in accordance with sections *thirty-nine* to *forty-three* inclusive of the last-mentioned Act. The Governor-General shall by proclamation in the *Gazette*, fix the dates and places of nomination, and where necessary of election, of such member, and all proceedings in connection with such nomination or election shall *mutatis mutandis* and subject to the provisions of this Act be in accordance with and subject to the Electoral Act, 1926.

Qualification of member of House of Assembly elected under section six.

8. (1) The qualification of a person for election as a member of the House of Assembly under section *six* shall be as prescribed in section *forty-four* of the South Africa Act, 1909, and the provisions of section *fifty-two* and *fifty-three* of that Act shall apply in respect of disqualifications for his being chosen or sitting as such member.

(2) A member elected under section *six* shall have all the rights, powers and privileges and immunities and shall be subject to all the duties and obligations which by law members of the House of Assembly possess or are subject to.

Placing of Coloured voters outside Cape Province on ordinary voters' rolls.

9. (1) At any time after seven years from the fixed date

the Governor-General shall, if thereto authorized by a resolution of both Houses of Parliament, by proclamation in the *Gazette* direct that every coloured voter who is entitled to vote in respect of the election of the member referred to in section *six* shall be enrolled as a voter for the Parliamentary and Provincial Council elections in the electoral district in which he resides and that every such voter shall, as soon after the date of such proclamation as the framing of the necessary voters' rolls has been completed, become entitled to exercise his vote in respect of such elections.

(2) After the date of such proclamation every coloured person in the Union outside the Province of the Cape of Good Hope having the qualifications set out in section *five* shall be entitled to be enrolled as a voter for Parliamentary and Provincial Council elections in the electoral district in which he resides and to exercise his vote in respect of such elections.

(3) Upon the completion of the framing of such voters' rolls the Governor-General shall notify the fact of such completion by proclamation in the *Gazette* and from and after the date of such proclamation sections *six*, *seven*, *eight* and *nine* of this Act shall be deemed to have lapsed and the provisions thereof shall be of no force and effect whatever and the member elected in terms of section *six* shall *ipso facto* vacate his seat.

Rights of the coloured persons in Cape Province to be enrolled and to vote.

10. After the fixed date every coloured person resident in the Province of the Cape of Good Hope whose name is for the time being upon any district list or who has under this Act been declared by Parliament to be a coloured person shall, if he is not subject to any disqualification prescribed by any electoral law for all persons, and subject to the provisos set out in paragraphs (*a*), (*b*) and (*c*) of sub-section (1) of section *six*, be entitled to be enrolled as a voter for Parliamentary and Provincial Council

elections in the electoral division in which he resides and to vote in respect of such elections.

Interpretation of terms.

11. In this Act, unless inconsistent with the context—

"coloured person" means a person resident in the Union who is not a European or a native (as herein defined) or an Asiatic but includes a member of the race or class commonly known as Cape Malays; but this definition shall be read subject to the provisos to the definition of "native" herein contained;

"native" means—

(*a*) any member of an aboriginal race or tribe of Africa; and

(*b*) any person whose mother or father is or was a member of such a race or tribe: Provided that where the father or mother of such a person is or was an European or a member of the Cape coloured race and such person was born prior to the commencement of this Act, he shall be regarded for all purposes of this Act *not* as a native but as a coloured person if the board or the district board (as the case may be) finds as a fact after enquiry that such person is, from his language, associates and standard or habits of life, more closely akin to the Cape coloured race than to a native and is desirous of being considered as a coloured person: Provided further that the Governor-General may, by message to both Houses of Parliament, recommend that any person whose mother or father is or was a member of such race and tribe and who was born subsequent to the commencement of this Act and is desirous of being considered a coloured person shall be declared a coloured person and if both such Houses by resolution declare such person to be a coloured person he shall he regarded as such for the purposes of this Act;

"the board" means the board appointed under section *two* of this Act;

"district board" means in relation to any district a board appointed under section *four* of this Act for that district;

"the electoral laws" means any of the laws specified in the Schedule to this Act or any acts of Parliament amending, repealing or substituted for the laws so specified;

"the fixed date" means the date fixed by the Governor-General by proclamation issued under sub-section (2) of section *one* of this Act;

"voters' roll" means a roll prepared or revised under any of the electoral laws as a list of voters at parliamentary or provincial council elections in the Union.

Short title and commencement of Act.

12. This Act may be cited for all purposes as the Coloured Persons Rights Act, 1927, and shall commence and come into operation on a date to be fixed by proclamation of the Governor-General in the *Gazette*: Provided that no such date shall be fixed unless or until the Natives Land Act, 1913, Amendment Act, 1927, the Representation of Natives in Parliament Act, 1927, and the Union Native Council Act, 1927, have been or are about to be brought into operation by proclamations issued under those acts.